

REMARKS

Claims 1, 10, 17, 23 - 26 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 10, 17, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant admitted prior art (AAPA) in view of US Pat. No. 6,515,729 (Hoshino), US Pat. No. 6,507,381 (Katsuya et al) and US Pat. No. 5,317,434 (Ohara). This rejection is respectfully traversed.

In rejecting the claims, Applicants note that the Examiner has cited the Hoshino reference (USPN 6,515,729) which has a filing date of July 27, 1999. This is significant because the present application is a 371 of PCT/JP99/04364 filed August 11, 1999, which claims priority to Japanese patent application 10-246032 filed August 31, 1998. As such, Applicants respectfully assert that the Hoshino reference only qualifies as prior art under 35 U.S.C. 102(e). Further, Applicants respectfully assert that the U.S. filing date of the Hoshino reference may be antedated by perfecting their claim of priority under 35 U.S.C. § 119 since the present application claims priority to an application with a filing date prior to the U.S. filing date of the Hoshino reference. Applicants, therefore, to perfect their claim of priority under 35 U.S.C. § 119, respectfully submit an English translation of Japanese patent application 10-246032 (attached hereto) for consideration by the Examiner.

Since the Hoshino reference has been antedated by perfecting the claim of priority under 35 U.S.C. § 119, Applicants respectfully assert that the rejection under 35 U.S.C. § 103(a) in view of the admitted prior art, US Pat. No. 6,515,729 (Hoshino), US Pat. No. 6,507,381 (Katsuya et al) and US Pat. No. 5,317,434 (Ohara) has been rendered moot.

Claims 2 – 9, 11 – 16, 18 – 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Hoshino, Katsuya and Ohara as applied to claims 1, 10, 17, 23 and 24 above, and further in view of US Pat. No. 5,150,239 (Watanabe et al).

As stated above, the Hoshino reference has been antedated by perfecting the claim of priority under 35 U.S.C. § 119 to Japanese patent application 10-246032. Since the Hoshino reference has been removed from consideration, Applicants respectfully assert that the rejection of claims 2-9, 11-16, and 18-21 under 35 U.S.C. § 103(a) has been rendered moot.

Claims 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Hoshino, Katsuya and Ohara as applied to claims 1, 10, 17, 23 and 24 above, and further in view of U.S. Pat. No. 6,226,067 (Nishiguchi et al).

As stated above, the Hoshino reference has been antedated by perfecting the claim of priority under 35 U.S.C. § 119 to Japanese patent application 10-246032. Since the Hoshino reference has been removed from consideration, Applicants respectfully assert that the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) has been rendered moot.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: _____

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By: _____

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